

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE

2004 JUN -3 P 4:41

U.S. DISTRICT COURT  
DISTRICT OF MASS.

CIVIL ACTION  
NO. 03-12502 RGS

HARTFORD FIRE INSURANCE CO.,

Plaintiff,

v.

EASTERN CONTRACTORS, INC.,

Defendant/Third-Party Plaintiff,

v.

CITY OF LAWRENCE, CITY OF FALL RIVER,  
and FREETOWN/LAKEVILLE REGIONAL  
SCHOOL DISTRICT,

Third Party Defendants.

**MOTION FOR ENLARGEMENT OF TIME FOR THIRD-PARTY DEFENDANT  
CITY OF LAWRENCE TO FILE ANSWER AND COUNTERCLAIM**

NOW COMES Third-Party Defendant City of Lawrence (the "City") and moves this Court pursuant to Fed. R. Civ. P. 6(b) for an Order enlarging the time for the City to file its Answer to Defendant/Third-Party Plaintiff Eastern Contractors, Inc.'s ("Eastern") Third-Party Complaint until and including Thursday, June 24, 2004. The City offers the following reasons in support of its motion:

1. According to the Court's records, Eastern served its Third-Party Complaint upon the City on March 12, 2004.
2. Pursuant to Fed. R. Civ. P. 12(a), the City's Answer to Eastern's Third-Party Complaint was due on or before April 1, 2004.
3. The City only recently notified its counsel of this action.

4. There has been no request to the Court by any party that an entry of default be filed against the City for its failure to timely answer Eastern's Third-Party Complaint.

5. The Local Rule 16.1 Scheduling Conference in this action is not scheduled to take place until July 21, 2004.

6. No party will suffer prejudice by the granting of this Motion.

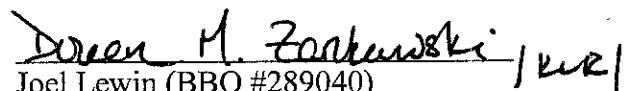
7. The City has meritorious defenses against Eastern's claims, and Eastern has been aware of the City's position since prior to the commencement of this action. Given the countervailing equities of no substantial prejudice to any party involved in this action, and the importance of granting all parties an opportunity to have their day in court, the City's Motion should be allowed.

**WHEREFORE**, Third-Party Defendant City of Lawrence respectfully requests that the Court enter an order enlarging the time in which the City must answer Defendant/Third-Party Plaintiff Eastern Contractors, Inc.'s Third-Party Complaint until and including Thursday, June 24, 2004 and granting such further relief as this Court deems necessary and just.

Respectfully submitted,

DEFENDANT CITY OF  
LAWRENCE,

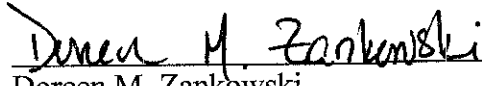
By its Attorneys,

  
Joel Lewin (BBO #289040)  
Doreen M. Zankowski (BBO #558381)  
Hinckley, Allen & Snyder LLP  
28 State Street  
Boston, MA 02109-1775  
(617) 345-9000

DATE: June 3, 2004

**CERTIFICATE OF CONFERRAL**

I, Doreen M. Zankowski, certify that I conferred with counsel of record for Plaintiff Hartford Fire Insurance Co. and Defendant/Third-Party Plaintiff Eastern Contractors, Inc. on May 28, 2004 pursuant to Local Rule 7.1(A) concerning the matter set forth in this motion. Further, I conferred with counsel of record for Third-Party Defendant Freetown/Lakeville Regional School District on June 1, 2004. Counsel did not object to this motion. I attempted to confer with counsel of record for Third-Party Defendant City of Fall River on May 28, 2004 and again on June 2, 2004, but was unable to reach counsel.

  
Doreen M. Zankowski

**CERTIFICATE OF SERVICE**

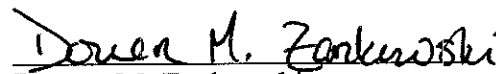
I, Doreen M. Zankowski, attorney for Third-Party Defendant City of Lawrence, hereby certify that on this 3rd day of June, 2004, I have served a true copy of the above motion, via first-class mail, postage pre-paid, to the following counsel of record:

Bradford R. Carver, Esq.  
CETRULO & CAPONE LLP  
Two Seaport Lane, 10<sup>th</sup> Floor  
Boston, MA 02210

Richard K. Allen, Esq.  
Corey E. Burnham-Howard, Esq.  
GADSBY HANNAH LLP  
125 Franklin Street  
Boston, MA 02110

Edward J. Quinlan, Esq.  
David J. Keenan, Esq.  
QUINLAN & SADOWSKI, P.C.  
11 Vanderbilt Avenue, Suite 250  
Norwood, MA 02062

John O'Neil, Esq.  
O'NEIL LUCEY & O'NEIL  
120 Purchase Street  
P.O. Box 1150  
Fall River, MA 02720

  
Doreen M. Zankowski